

CONVERSE COUNTY

FLOOD DAMAGE PREVENTION REGULATIONS



TABLE OF CONTENTS

CHAPTER I – STATUTORY AUTHORIZATION	2
Sec. 1 Authority.....	2
CHAPTER II – FINDING OF FACT, PURPOSE AND OBJECTIVES	3
Sec. 1 Findings of Fact	3
Sec. 2 Statement of Purpose	3
Sec. 3 Method of Reducing Flood Losses.....	4
CHAPTER III – GENERAL PROVISIONS	5
Sec. 1 Lands to which these Regulations Apply	5
Sec. 2 Basis for Establishing the Areas of Special Flood Hazard.....	5
Sec. 3 Compliance.....	5
Sec. 4 Penalties for Non-Compliance.....	5
Sec. 5 Abrogation and Greater Restrictions	5
Sec. 6 Interpretation	6
Sec. 7 Warning and Disclaimer of Liability	6
CHAPTER IV – ADMINISTRATION.....	7
Sec. 1 Establishment of Construction Permit.....	7
Sec. 2 Designation of the Director of Special Projects	7
Sec. 3 Duties and Responsibilities of the Director of Special Projects.....	7
Sec. 4 Variance Procedure, Appeal Board	9
Sec. 5 Conditions for Variances	10
CHAPTER V – PROVISIONS FOR FLOOD HAZARD REDUCTION	12
Sec. 1 General Standards.....	12
Sec. 2. Specific Standards	13
CHAPTER VI - DEFINITIONS	
Sec. 1 Definitions	16

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These Flood Damage Prevention Regulations supersede and replace any previous regulations adopted.

CONVERSE COUNTY FLOOD DAMAGE PREVENTION REGULATIONS

CHAPTER I

STATUTORY AUTHORIZATION

Sec. 1

Authority

The Board, pursuant to Section 18-3-504, Wyoming Statutes, 1977 Republished Edition, as amended, is authorized to provide for the general welfare of the county.

CHAPTER II

FINDING OF FACT, PURPOSE AND OBJECTIVES

Sec. 1 Findings of Fact

- A. The flood hazard areas of Converse County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

Sec. 2 Statement of Purpose

It is the purpose of these regulations to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business interruptions;
- D. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- E. To help maintain a stable tax base by providing for the use and development of areas of special flood hazard so as to minimize future flood blight areas;
- F. To insure that potential buyers are notified that property is in an area of special flood hazard; and,
- G. To ensure that those who occupy an area of special flood hazard assume responsibility for their actions.

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Sec. 3 Method of Reducing Flood Losses

In order to accomplish their purpose, these regulations include methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses which are vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Preventing or regulating the construction of flood barriers which will impact natural floodwaters or which may increase flood hazards in other areas.

CHAPTER III GENERAL PROVISIONS

Sec. 1 Lands to which these Regulations Apply

These regulations shall apply to all area of special flood hazards within the jurisdiction of Converse County, Wyoming.

Sec. 2 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, “The Flood Insurance Study for the unincorporated areas of Converse County, Wyoming” (FIS) dated November 4, 2009, with an accompanying Flood Insurance Rate Map (FIRM) is hereby adopted by reference and declared to be a part of these regulations. The Flood Insurance Study and Flood Insurance Rate Map are on file at the Special Projects Office, 107 N. 5th Street, Suite B-6, Douglas, WY 82633.

Adoption of revised FIS and FIRMs require a Public Notice, Public Hearing and approval by the Board.

Sec. 3 Compliance

No structure of land shall hereafter be constructed, located, extended, converted, or altered within the area of special flood hazard without full compliance with the terms of these regulations and other applicable county regulations.

Sec. 4 Penalties for Non-Compliance

Violation of the provisions of these regulations by failure to comply with any of these requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates these regulations or fails to comply with any of the requirements shall, upon conviction thereof, be fined not more than \$300.00 or imprisonment for not more than 10 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Converse County from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 5 Abrogation and Greater Restrictions

These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and other regulations, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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Sec. 6 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 7 Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within areas will be free from flooding or flood damages. These regulations shall not create liability on the part of Converse County, any officer or employee thereof, of the Federal Insurance Administration, for flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

CHAPTER IV ADMINISTRATION

Sec. 1 Establishment of Construction Permit

A Flood Plan Construction (FPC) Permit shall be obtained before construction or development begins within any area of special flood hazard established in Chapter III, Section 2. Application for a Construction (FPC) Permit shall be made on forms furnished by the Special Projects Office and may include, but is not limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all new and substantially improved structures;
- B. Elevation in relation to mean sea level to which any non-residential structure has been flood proofed;
- C. Certification by a registered professional engineer or architect that the flood proof methods for any non-residential structure meet the flood proof criteria in Chapter V, Section 1.; and,
- D. Description of the extent to which any watercourse will be altered or relocated as the result of proposed development.

Sec. 2 Designation of the Director of Special Projects

The Director of Special Projects is hereby appointed to administer and implement these regulations by granting or denying construction permit applications in accordance with their provisions.

Sec. 3 Duties and Responsibilities of the Director of Special Projects

Duties of the Director of Special Projects or his designee shall include, but not be limited to:

- A. Permit Review
 - (1) Review all FPC permits to determine that the permit requirements of these regulations have been satisfied.

- (2) Review all FPC permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- (3) Review all FPC permits to determine if the proposed improvements and or construction adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of these regulations, “adversely affects” means that the cumulative effect of the proposed improvements and/or construction when combined with all other existing and anticipated improvements and/or construction will not increase the water surface elevation of the base flood more than one foot at any point.
- (4) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development within areas of special flood hazard area on the community’s FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

B. Use of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Chapter III, Section 2, Basis for Establishing the Areas of Special Flood Hazard, The Special Projects Office shall obtain, review and reasonably utilize any flood elevation and floodway data available from the federal, state, or other source, in order to administer Chapter V, Section 2, Specific Standards.

C. Information to be Obtained and Maintained.

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved flood proof structures:
 - a. Obtain and record the actual elevation (in relation to sea level) to which the structure has been flood proof.
 - b. Maintain the flood proof certifications required in Chapter IV, Section 1.
- (3) Maintain for public inspection all records pertaining to the provisions of these regulations.
- (4) Alteration of Watercourses.

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- a. Notify adjacent communities and Wyoming Office of Homeland Security prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - b. Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (5) Interpretation of FIRM Boundaries.

Make interpretations, where needed, as to the exact location of the boundaries of the area of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided.

Sec. 4 Variance Procedure, Appeal Board

- A. The Board as established by these regulations shall hear and decide appeals and requests for variances from the requirements of these regulations.
- B. The Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of Special Projects in the enforcement or administration of these regulations.
- C. Those aggrieved by the decision of the Board or any taxpayer, may appeal such decisions to the Wyoming District Court, as provided in Wyoming.
- D. In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of these regulations; and,
 - (1) The danger that materials may be swept into other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;

- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with the existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effect of wave action, if applicable, expected at the site; and,
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets and bridges.
 - a. Upon consideration of the factors of Chapter IV, Section 4, and the purposes of these regulations, the Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.
 - b. The Director of Special Projects shall maintain the records of all appeal actions, including technical information, and report any variance to the Federal Emergency Management Agency.

Sec. 5 Conditions for Variances

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items (1-11) in Chapter IV, Section 4-D, have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increase.
- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section. Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

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- C. Variances shall only be issued upon a determination that the variances are the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or regulations.
- E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.
- F. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (1) The criteria outlined in Chapter IV, Section 4, D items (1-11) are met, and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

CHAPTER V PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 1 General Standards

In all areas of special flood hazards, the following standards are required:

A. Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
- (2) All manufactured homes to be placed within Zone A on a community's FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:
 - a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side.
 - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side.
 - c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
 - d. Any addition to the manufactured home be similarly anchored.

B. Construction Materials and Methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

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- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage system shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals.

- (1) **Converse County Subdivision Regulations do not allow subdivisions in the 100-Year Floodplain.**

E. Encroachments.

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

Sec. 2. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Chapter III, Section 2, Basis for Establishing the Areas of Special Flood Hazard, of Chapter IV, Section 3-B, Use of Other Base Flood Data, the following provisions are required:

A. Residential Construction.

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

B. Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (1) Be flood proof so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certification shall be provided to the official as set forth in Chapter IV, Section 3-C-(2).

C. Openings in Enclosures Below the Lowest Floor

For all new construction and substantial improvements, fully closed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (2) The bottom of all openings shall be no higher than one foot above grade;
- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater

D. Manufactured Homes

- (1) Manufactured homes shall be anchored in accordance with Chapter V, Section 1-A.
- (2) All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.

- (3) Manufactured homes shall be required to be placed or substantially improved on sites in an existing manufactured home part with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of Chapter V, Sec. 2, D (1) through D(2) of this section and be elevated so that either:
 - (a) the lowest floor of the manufactured home is at or above the base flood elevation, or
 - (b) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.
- F. Recreational Vehicles – all recreational vehicles placed on sites within zones A1-30, AH and AE on the community's FIRM either:
- (1) be on a site for fewer than 180 consecutive days,
 - (2) be fully licensed and ready for highway use, or
 - (3) meet the permit requirements of Chapter IV, Section 1 (A), and the elevation and anchoring requirements for “manufactured homes” in Chapter V, Sec. 2 (D). A recreation vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

CHAPTER VI

DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations their most reasonable application.

APPEAL means a request for a review of the Director of Special Projects' interpretation of any provisions of these regulations or a request for a variance.

AREA OF SPECIAL FLOOD HAZARD means the land in the floodplain within a community subject to a one-percent or greater change of flooding in any given year.

BASE FLOOD means the flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.

BOARD - means The Board of Commissioners of Converse County.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DIRECTOR OF SPECIAL PROJECTS - means The County Director of Special Projects employed or retained by the Board.

ELEVATED BUILDING - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of

breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD or FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE MAP (FIRM) - means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood and the water surface elevation of the base flood.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents

FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a) by an approved state program as determined by the Secretary of the Interior or;
 - b) directly by the Secretary of the Interior in states without approved programs

IMPROVEMENTS AND/OR CONSTRUCTION - means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so to render the structure in violation of the applicable non-elevation design requirements of these regulations.

MANUFACTURED HOME - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes part trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

MANUFACTURED HOME PARK - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION - means structures for which the "state of construction" commenced on or after the effective date of these regulations or substantial improvement to such structures.

PLANNING COMMISSION - means The Converse County Planning and Zoning Commission.

RECREATIONAL VEHICLE - means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL PROJECTS OFFICE - means the office of the County Director of Special Projects.

STATE OF CONSTRUCTION - includes substantial improvement, and means the date the Flood Plan Construction Permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means a walled and roofed building or manufactured home that is principally above ground.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started, or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE - means a grant of relief from the requirements of these regulations, which permits construction in a manner that would otherwise be prohibited by these regulations.

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.